



Substitute Senate Bill No. 893

Public Act No. 17-81

***AN ACT CONCERNING REVISIONS TO CERTAIN STATUTES
REGARDING THE DEPARTMENT OF CHILDREN AND FAMILIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 17a-28 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) As used in this section:

(1) "Person" means (A) any individual named in a record, maintained by the department, who (i) is presently or at any prior time was a ward of or committed to the commissioner for any reason; (ii) otherwise received services, voluntarily or involuntarily, from the department; or (iii) is presently or was at any prior time the subject of an investigation by the department; (B) a parent whose parental rights have not been terminated or current guardian of an individual described in subparagraph (A) of this subdivision, if such individual is a minor; or (C) the authorized representative of an individual described in subparagraph (A) of this subdivision, if such individual is deceased;

(2) "Attorney" means the licensed attorney authorized to assert the confidentiality of or right of access to records of a person;

Substitute Senate Bill No. 893

(3) "Authorized representative" means a parent, guardian, guardian ad litem, attorney, conservator or other individual authorized to assert the confidentiality of or right of access to records of a person;

(4) "Consent" means permission given in writing by a person, such person's attorney or authorized representative to disclose specified information, within a limited time period, regarding the person to specifically identified individuals or entities;

(5) "Records" means information created or obtained in connection with the department's child protection activities or other activities related to a child while in the care or custody of the department, including information in the registry of reports to be maintained by the commissioner pursuant to section 17a-101k;

(6) "Disclose" means (A) to provide an oral summary of records maintained by the department to an individual, agency, corporation or organization, or (B) to allow an individual, agency, corporation or organization to review or obtain copies of such records in whole, part or summary form;

(7) "Near fatality" means an act that places a child in serious or critical condition.

(b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213, records maintained by the department shall be confidential and shall not be disclosed, unless the department receives written consent from the person or as provided in this section, section 17a-101g or section 17a-101k. Any unauthorized disclosure shall be punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both. Any employee of the department who in the ordinary course of such person's employment has reasonable cause to suspect or believe that another employee has engaged in the unauthorized disclosure of records shall report in writing such

Substitute Senate Bill No. 893

unauthorized disclosure of records to the commissioner. The report shall include the name of the person disclosing the information and the nature of the information disclosed and to whom it was disclosed, if known.

(c) Records that (1) contain privileged communications, or (2) are confidential pursuant to any federal law or regulation shall not be disclosed except as authorized by law.

(d) Any information disclosed from a person's record shall not be further disclosed to another individual or entity without the written consent of the person, except (1) pursuant to section 19a-80 or 19a-80f, provided such disclosure is otherwise permitted pursuant to subsections (b) and (c) of this section, (2) pursuant to the order of a court of competent jurisdiction, or (3) as otherwise provided by law.

(e) The commissioner shall, upon written request, disclose the following information concerning agencies licensed by the Department of Children and Families, except foster care parents, relatives of the child who are licensed to provide foster care or prospective adoptive families: (1) The name of the licensee; (2) the date the original license was issued; (3) the current status of the license; (4) whether an agency investigation or review is pending or has been completed; and (5) any licensing action taken by the department at any time during the period such license was issued and the reason for such action, provided disclosure of such information will not jeopardize a pending investigation.

(f) The name of any individual who reports suspected abuse or neglect of a child or youth or cooperates with an investigation of child abuse or neglect shall be kept confidential upon request or upon determination by the department that disclosure of such information may be detrimental to the safety or interests of the individual, except the name of any such individual shall be disclosed pursuant to

Substitute Senate Bill No. 893

subparagraph (B) of subdivision (1) of subsection (g) of this section to (1) an employee of the department for reasons reasonably related to the business of the department; (2) a law enforcement officer for purposes of investigating (A) abuse or neglect of a child or youth, or (B) an allegation that such individual falsely reported the suspected abuse or neglect of a child or youth; (3) a state's attorney for purposes of investigating or prosecuting (A) abuse or neglect of a child or youth, or (B) an allegation that such individual falsely reported the suspected abuse or neglect of a child or youth; (4) an assistant attorney general or other legal counsel representing the department; (5) a judge of the Superior Court and all necessary parties in a court proceeding pursuant to section 17a-112 or 46b-129, or a criminal prosecution involving child abuse or neglect; (6) a state child care licensing agency; or (7) the executive director of any institution, school or facility or superintendent of schools pursuant to section 17a-101i, as amended by this act.

(g) The department shall disclose records, subject to subsections (b) and (c) of this section, without the consent of the person who is the subject of the record, to:

(1) The person named in the record or such person's authorized representative, provided such disclosure shall be limited to information (A) contained in the record about such person or about such person's biological or adoptive minor child, if such person's parental rights to such child have not been terminated; and (B) identifying an individual who reported abuse or neglect of the person, including any tape recording of an oral report pursuant to section 17a-103, if a court determines that there is reasonable cause to believe the reporter knowingly made a false report or that the interests of justice require disclosure;

(2) An employee of the department for any purpose reasonably related to the performance of such employee's duties;

Substitute Senate Bill No. 893

(3) A guardian ad litem or attorney appointed to represent a child or youth in litigation affecting the best interests of the child or youth;

(4) An attorney representing a parent, guardian or child in a petition filed in the Superior Court pursuant to section 17a-112 or 46b-129, provided (A) if such records do not pertain to such attorney's client or such client's child, such records shall not be further disclosed to another individual or entity by such attorney except pursuant to the order of a court of competent jurisdiction, (B) if such records are confidential pursuant to federal law, such records shall not be disclosed to such attorney or such attorney's client unless such attorney or such attorney's client is otherwise entitled to such records, and (C) nothing in this subdivision shall limit the disclosure of records under subdivision (3) of this subsection;

[(4)] (5) The Attorney General, any assistant attorney general or any other legal counsel retained to represent the department during the course of a legal proceeding involving the department or an employee of the department;

[(5)] (6) The Child Advocate or the Child Advocate's designee;

[(6)] (7) The Chief Public Defender or the Chief Public Defender's designee for purposes of ensuring competent representation by the attorneys with whom the Chief Public Defender contracts to provide legal and guardian ad litem services to the subjects of such records and for ensuring accurate payments for services rendered by such attorneys;

[(7)] (8) The Chief State's Attorney or the Chief State's Attorney's designee for purposes of investigating or prosecuting (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, or (C) an allegation that a mandated reporter failed to report suspected child

Substitute Senate Bill No. 893

abuse or neglect in accordance with section 17a-101a, provided such prosecuting authority shall have access to records of a child charged with the commission of a delinquent act, who is not being charged with an offense related to child abuse, only while the case is being prosecuted and after obtaining a release;

[(8)] (9) A state or federal law enforcement officer for purposes of investigating (A) an allegation related to child abuse or neglect, (B) an allegation that an individual made a false report of suspected child abuse or neglect, or (C) an allegation that a mandated reporter failed to report suspected child abuse or neglect in accordance with section 17a-101a;

[(9)] (10) A foster or prospective adoptive parent, if the records pertain to a child or youth currently placed with the foster or prospective adoptive parent, or a child or youth being considered for placement with the foster or prospective adoptive parent, and the records are necessary to address the social, medical, psychological or educational needs of the child or youth, provided no information identifying a biological parent is disclosed without the permission of such biological parent;

[(10)] (11) The Governor, when requested in writing in the course of the Governor's official functions, the Legislative Program Review and Investigations Committee, the joint standing committee of the General Assembly having cognizance of matters relating to human services, the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary or the joint standing committee of the General Assembly having cognizance of matters relating to children, when requested in writing by any of such committees in the course of such committee's official functions, and upon a majority vote of such committee, provided no name or other identifying information is disclosed unless such information is essential to the gubernatorial or legislative purpose;

Substitute Senate Bill No. 893

[(11)] (12) The Office of Early Childhood for the purpose of (A) determining the suitability of a person to care for children in a facility licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining the suitability of such person for licensure; (C) an investigation conducted pursuant to section 19a-80f; (D) notifying the office when the Department of Children and Families places an individual licensed or certified by the office on the child abuse and neglect registry pursuant to section 17a-101k; or (E) notifying the office when the Department of Children and Families possesses information regarding an office regulatory violation committed by an individual licensed or certified by the office;

[(12)] (13) The Department of Developmental Services, to allow said department to determine eligibility, facilitate enrollment and plan for the provision of services to a child who is a client of said department and who is applying to enroll in or is enrolled in said department's behavioral services program. At the time that a parent or guardian completes an application for enrollment of a child in the Department of Developmental Services' behavioral services program, or at the time that said department updates a child's annual individualized plan of care, said department shall notify such parent or guardian that the Department of Children and Families may provide records to the Department of Developmental Services for the purposes specified in this subdivision without the consent of such parent or guardian;

[(13)] (14) Any individual or entity for the purposes of identifying resources that will promote the permanency plan of a child or youth approved by the court pursuant to sections 17a-11, 17a-111b, 46b-129 and 46b-141;

[(14)] (15) A state agency that licenses or certifies [an individual] a person to educate, [or] care for or provide services to children or [youth] youths;

Substitute Senate Bill No. 893

[(15)] (16) A judge or employee of a Probate Court who requires access to such records in order to perform such judge's or employee's official duties;

[(16)] (17) A judge of the Superior Court for purposes of determining the appropriate disposition of a child convicted as delinquent or a child who is a member of a family with service needs;

[(17)] (18) A judge of the Superior Court in a criminal prosecution for purposes of in camera inspection whenever (A) the court has ordered that the record be provided to the court; or (B) a party to the proceeding has issued a subpoena for the record;

[(18)] (19) A judge of the Superior Court and all necessary parties in a family violence proceeding when such records concern family violence with respect to the child who is the subject of the proceeding or the parent of such child who is the subject of the proceeding;

[(19)] (20) The Auditors of Public Accounts, or their representative, provided no information identifying the subject of the record is disclosed unless such information is essential to an audit conducted pursuant to section 2-90;

[(20)] (21) A local or regional board of education, provided the records are limited to educational records created or obtained by the state or Connecticut Unified School District #2, established pursuant to section 17a-37;

[(21)] (22) The superintendent of schools for any school district for the purpose of determining the suitability of a person to be employed by the local or regional board of education for such school district pursuant to subsection (a) of section 10-221d;

[(22)] (23) The Department of Motor Vehicles for the purpose of criminal history records checks pursuant to subsection (e) of section

Substitute Senate Bill No. 893

14-44, provided information disclosed pursuant to this subdivision shall be limited to information included on the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k, subject to the provisions of sections 17a-101g and 17a-101k concerning the nondisclosure of findings of responsibility for abuse and neglect;

[(23)] (24) The Department of Mental Health and Addiction Services for the purpose of treatment planning for young adults who have transitioned from the care of the Department of Children and Families;

[(24)] (25) The superintendent of a public school district or the executive director or other head of a public or private institution for children providing care for children or a private school (A) pursuant to sections 17a-11, 17a-101b, 17a-101c, 17a-101i, as amended by this act, 17a-111b, 46b-129 and 46b-141, or (B) when the Department of Children and Families places an individual employed by such institution or school on the child abuse and neglect registry pursuant to section 17a-101k;

[(25)] (26) The Department of Social Services for the purpose of (A) determining the suitability of a person for payment from the Department of Social Services for providing child care; (B) promoting the health, safety and welfare of a child or youth receiving services from either department; or (C) investigating allegations of fraud provided no information identifying the subject of the record is disclosed unless such information is essential to any such investigation;

[(26)] (27) The Court Support Services Division of the Judicial Branch, to allow the division to determine the supervision and treatment needs of a child or youth, and provide appropriate supervision and treatment services to such child or youth, provided such disclosure shall be limited to information that identifies the child

Substitute Senate Bill No. 893

or youth, or a member of such child's or youth's immediate family, as being or having been (A) committed to the custody of the Commissioner of Children and Families as delinquent, (B) under the supervision of the Commissioner of Children and Families, or (C) enrolled in the voluntary services program operated by the Department of Children and Families;

[(27)] (28) The Court Support Services Division of the Judicial Branch for the purpose of sharing common case records to track recidivism of juvenile offenders; [and]

[(28)] (29) The birth-to-three program's referral intake office for the purpose of (A) determining eligibility of, (B) facilitating enrollment for, and (C) providing services to (i) substantiated victims of child abuse and neglect with suspected developmental delays, and (ii) newborns impacted by withdrawal symptoms resulting from prenatal drug exposure; [.] and

(30) The Department of Public Health for the purpose of notification when the Commissioner of Children and Families places an individual licensed or certified by the Department of Public Health on the child abuse and neglect registry established pursuant to section 17a-101k.

(h) The department may, subject to subsections (b) and (c) of this section, disclose records without the consent of the person who is the subject of the record, to:

(1) An employee or former employee of the department or such employee or former employee's authorized representative for purposes of participating in any court, administrative or disciplinary proceeding, provided such disclosure shall be limited to records that are necessary to the proceeding, as determined by the department;

(2) Multidisciplinary teams, as described in section 17a-106a;

Substitute Senate Bill No. 893

(3) A provider of professional services for a child, youth or parent referred to such provider, provided such disclosure is limited to information necessary to provide services to the child, youth or parent;

(4) An individual or agency under contract with the department for the purposes of identifying and assessing a potential foster or adoptive home or visiting resource for a child or youth, provided no information identifying a biological parent of a child or youth is disclosed without the permission of such biological parent;

(5) A physician examining a child with respect to whom abuse or neglect is suspected and who is authorized pursuant to section 17a-101f to keep the child in the custody of a hospital when such physician requires the information in a record of the department to determine whether to keep the child in protective custody;

(6) An individual who reports child abuse or neglect pursuant to sections 17a-101a to 17a-101c, inclusive, or section 17a-103, who made a report of abuse or neglect, provided the information disclosed is limited to (A) the status of the investigation conducted pursuant to section 17a-101g resulting from the individual's report; and (B) in general terms, the action taken by the department as a result of such investigation;

(7) An individual or organization engaged in the business of medical, psychological or psychiatric diagnosis and treatment and who is treating [an individual who has perpetrated abuse or neglect, as determined in an investigation conducted pursuant to section 17a-101g, or who is unwilling or unable to protect a child or youth from abuse or neglect, as determined in an investigation conducted pursuant to section 17a-101g, when] a person, provided the commissioner, or the commissioner's designee, determines that the disclosure is necessary to accomplish the objectives of diagnosis or treatment;

Substitute Senate Bill No. 893

(8) A court or public agency in another state or a federally recognized Indian tribe, that is responsible for investigating child abuse or neglect, preventing child abuse and neglect or providing services to families at risk for child abuse or neglect, for the purpose of such investigation, prevention or providing services to such families;

(9) An individual conducting bona fide research, provided no information identifying the subject of the record is disclosed unless (A) such information is essential to the purpose of the research; and (B) the department has given written approval for the use of such information;

(10) An individual or agency involved in the collection of fees for services, provided such information is limited to the name and address of the person who received the services and the fees for services, except as provided in section 17b-225. In cases where a dispute arises over such fees or claims or where additional information is needed to substantiate the fee or claim, the Department of Children and Families may disclose the following: (A) That the person was, in fact, provided services by the department; (B) the dates and duration of such services; and (C) a general description of the types of services, including evidence that a service or treatment plan exists and has been carried out and evidence to substantiate the necessity for admission and length of stay in an institution or facility;

(11) A law enforcement officer or state's attorney if there is reasonable cause to believe that (A) a child or youth is being abused or neglected or at risk of being abused or neglected as a result of any suspected criminal activity by any individual, or (B) an employee of the department is being threatened or harassed or has been assaulted by a client or coworker;

(12) Any individual interviewed as part of an investigation conducted pursuant to section 17a-101g, who is not otherwise entitled

Substitute Senate Bill No. 893

to such information, provided such disclosure is limited to: (A) The general nature of the allegations contained in the reports; (B) the identity of the child or youth alleged to have been abused or neglected; and (C) information necessary to effectively conduct the investigation;

(13) Any individual, when information concerning an incident of child abuse or neglect has been made public or the commissioner reasonably believes publication of such information is likely, provided such disclosure is limited to: (A) Whether the department has received any report in accordance with sections 17a-101a to 17a-101c, inclusive, or section 17a-103; (B) in general terms, any action taken by the department, provided: (i) Names or other individually identifiable information of the child or other family members is not disclosed, regardless of whether such individually identifiable information is otherwise available, and (ii) the name or other individually identifiable information of the person suspected to be responsible for the abuse or neglect is not disclosed unless such person has been arrested for a crime due to such abuse or neglect; (C) confirmation or denial of the accuracy of information that has been made public; and (D) notwithstanding the provisions of section 46b-124, in general terms, the legal status of the case;

(14) Any individual for the purpose of locating such individual's missing parent, child, [or youth], sibling, aunt, uncle, first cousin or grandparent, provided such disclosure is limited to information that assists in locating such missing parent, child, [or youth] sibling, aunt, uncle, first cousin or grandparent;

(15) Any individual, when the information concerns an incident of abuse or neglect that resulted in a child or youth fatality or near fatality of a child or youth, provided disclosure of such information is in general terms and does not jeopardize a pending investigation;

(16) A judge of a court of competent jurisdiction whenever an

Substitute Senate Bill No. 893

employee of the department is subpoenaed and ordered to testify about such records for purposes of in camera inspection to determine if such records may be disclosed pursuant to this section if (A) the court has ordered that such records be provided to the court; or (B) a party to the proceeding has issued a subpoena for such records;

(17) An individual who is not employed by the department who arranges, performs or assists in performing functions or activities on behalf of the department, including, but not limited to, data analysis, processing or administration, utilization reviews, quality assurance, practice management, consultation, data aggregation and accreditation services.

(i) Notwithstanding the provisions of subsections (e) to (h), inclusive, of this section, the department may refuse to disclose records to any individual, provided the department gives such individual notice (1) that records are being withheld; (2) of the general nature of the records being withheld; (3) of the department's reason for refusing to disclose the records; and (4) of the individual's right to judicial relief pursuant to subsection (j) of this section.

(j) (1) Any person or individual aggrieved by a violation of subsection (b) or (d), subsections (f) to (h), inclusive, or subsection (k) of this section, or a person's authorized representative, may seek judicial relief in the manner prescribed in section 52-146j.

(2) Any person, individual or authorized representative denied access to records by the commissioner under subdivision (i) of this section may petition the superior court for the venue district provided in section 46b-142 in which the person resides for an order requiring the commissioner to permit access to those records, and the court, after a hearing and an in camera review of the records in question, shall issue such an order unless it determines that permitting disclosure of all or any portion of the record (A) would be contrary to the best

Substitute Senate Bill No. 893

interests of the person or the person's authorized representative; (B) could reasonably result in the risk of harm to any individual; or (C) would contravene the public policy of the state.

(k) All written records disclosed to an individual who is not the subject of the record, an agency, an entity or an organization shall bear a stamp requiring confidentiality in accordance with the provisions of this section. Such records shall not be disclosed to another individual, agency, entity or an organization without the written consent of the person who is the subject of the record or as provided by this section. A copy of the consent form, specifying to whom and for what specific use the record is disclosed or a statement setting forth any other statutory authorization for disclosure and the limitations imposed on such disclosure, shall accompany the record. In cases where the disclosure is made orally, the individual disclosing the information shall inform the recipient that such information is governed by the provisions of this section.

(l) Whenever any person, attorney or authorized representative, having obtained access to any record, believes there are factually inaccurate entries or materials contained in such record, such person, attorney or authorized representative may add a statement to the record setting forth what such person, attorney or authorized representative believes to be an accurate statement of those facts and such statement shall become a permanent part of the record.

(m) The Department of Children and Families may charge a reasonable fee for any record disclosed pursuant to this section that exceeds one hundred pages in length. Such fee shall be waived if the individual requesting such record is indigent.

Sec. 2. Section 17a-117 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

Substitute Senate Bill No. 893

(a) The Department of Children and Families may, and is encouraged to, contract with child-placing agencies to arrange for the adoption of children who are free for adoption. If (1) a child for whom adoption is indicated, cannot, after all reasonable efforts consistent with the best interests of the child, be placed in adoption through existing sources because the child is a special needs child, and (2) the adopting family meets the standards for adoption which any other adopting family meets, the Commissioner of Children and Families shall, before adoption of such child by such family, certify such child as a special needs child and, after adoption, provide one or more of the following subsidies for the adopting parents: (A) A special-need subsidy, which is a lump sum payment paid directly to the person providing the required service, to pay for an anticipated expense resulting from the adoption when no other resource is available for such payment; or (B) a periodic subsidy which is a payment to the adopting family; and (C) in addition to the subsidies granted under this subsection, any medical benefits which are being provided prior to final approval of the adoption by the superior court for juvenile matters or the Probate Court in accordance with the fee schedule and payment procedures under the state Medicaid program administered by the Department of Social Services shall continue as long as the child qualifies as a dependent of the adoptive parent under the provisions of the Internal Revenue Code. The amount of a periodic subsidy shall not exceed the current costs of foster maintenance care.

(b) A medical subsidy may continue until the child reaches twenty-one years of age. A periodic subsidy may continue until the child reaches age eighteen, except such periodic subsidy may continue for a child who is at least eighteen years of age but less than twenty-one years of age, provided: (1) The adoption was finalized on or after October 1, 2013, (2) the child was sixteen years of age or older at the time the adoption was finalized, and (3) the child is (A) enrolled in a full-time approved secondary education program or an approved

Substitute Senate Bill No. 893

program leading to an equivalent credential; (B) enrolled full time in an institution that provides postsecondary or vocational education; or (C) participating full time in a program or activity approved by the commissioner that is designed to promote or remove barriers to employment. The commissioner, in his or her discretion, may waive the provision of full-time enrollment or participation based on compelling circumstances.

(c) The periodic subsidy is subject to review by the commissioner as provided in section 17a-118, as amended by this act.

(d) Requests for subsidies after a final approval of the adoption by the superior court for juvenile matters or the Probate Court may be considered at the discretion of the commissioner for conditions resulting from or directly related to the totality of circumstances surrounding the child prior to placement in adoption. A written certification of the need for a subsidy shall be made by the commissioner in each case and the type, amount and duration of the subsidy shall be mutually agreed to by the commissioner and the adopting parents prior to the entry of such decree. Any subsidy decision by the commissioner may be appealed by a licensed child-placing agency or the adopting parent or parents to the [Subsidy Review Board established under subsection (e) of this section] department at a hearing conducted in accordance with the provisions of chapter 54. The commissioner shall adopt regulations establishing the procedures for determining the amount and the need for a subsidy.

[(e) There is established a Subsidy Review Board to hear appeals under this section, section 17a-118 and section 17a-120. The board shall consist of the Commissioner of Children and Families, or the commissioner's designee, and a representative of a child-placing agency and an adoptive parent appointed by the Governor. The Governor shall appoint an alternate representative of a child-placing agency and an alternate adoptive parent. Such alternative members

Substitute Senate Bill No. 893

shall, when seated, have all the powers and duties set forth in this section and sections 17a-118, 17a-120 and 17a-126. Whenever an alternate member serves in place of a member of the board, such alternate member shall represent the same interest as the member in whose place such alternative member serves. All decisions of the board shall be based on the best interest of the child. Appeals under this section shall be in accordance with the provisions of chapter 54.]

Sec. 3. Subsection (a) of section 17a-118 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) There shall be a biennial review of the subsidy for a child under eighteen years of age and an annual review for a child who is at least eighteen years of age but less than twenty-one years of age. Such reviews shall be conducted by the Commissioner of Children and Families. The adoptive parents shall, at the time of such review, submit a sworn statement that the condition which caused the child to be certified as a special needs child or a related condition continues to exist or has reoccurred and that the adoptive parent or parents are still legally responsible for the support of the child and that the child is receiving support from the adoptive family. A child who is at least eighteen years of age but less than twenty-one years of age shall continue to receive an adoption subsidy, pursuant to section 17a-117, as amended by this act, provided his or her adoptive parent submits, at the time of the review, a sworn statement that the child is (1) enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential; (2) enrolled full time in an institution that provides postsecondary or vocational education; or (3) participating full time in a program or activity approved by the commissioner that is designed to promote or remove barriers to employment. The commissioner, in his or her discretion, may waive the provision of full-time enrollment or participation based on

Substitute Senate Bill No. 893

compelling circumstances. The commissioner, or the commissioner's designee, may require that the adoptive parent or parents submit any additional documentation that the commissioner or designee deems necessary to complete such review. If the subsidy is to be terminated or reduced by the commissioner, notice of such proposed reduction or termination shall be given, in writing, to the adoptive parents and such adoptive parents shall, at least thirty days prior to the imposition of said reduction or termination, be [given] provided a hearing [before the Subsidy Review Board] by the department in accordance with the provisions of chapter 54. If such an appeal is taken, the subsidy shall continue without modification until the final decision of the [Subsidy Review Board] department.

Sec. 4. Section 17a-120 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) Any child who is blind or physically disabled as defined by section 1-1f, mentally disabled, seriously emotionally maladjusted or has a recognized high risk of physical or mental disability as defined in the regulations adopted by the Commissioner of Children and Families pursuant to section 17a-118, as amended by this act, who is to be given or has been given in adoption by a statutory parent, as defined in section 45a-707, shall be eligible for a one hundred per cent medical expense subsidy in accordance with the fee schedule and payment procedures under the state Medicaid program administered by the Department of Social Services where such condition existed prior to such adoption, provided such expenses are not reimbursed by health insurance, or federal or state payments for health care. Application for such subsidy shall be made to the Commissioner of Children and Families by such child's adopting or adoptive parent or parents. Said commissioner shall adopt regulations governing the procedures for application and criteria for determination of the existence of such condition. A written determination of eligibility shall be made by said

Substitute Senate Bill No. 893

commissioner and may be made prior to or after identification of the adopting parent or parents. Upon a finding of eligibility, an application for such medical expense subsidy by the adopting or adoptive parent or parents on behalf of the child shall be granted, and such adopting or adoptive parent or parents shall be issued a medical identification card for such child by the Department of Children and Families for the purpose of providing for payment for the medical expense subsidy. The subsidy set forth in this section shall not preclude the granting of either subsidy set forth in section 17a-117, as amended by this act, except, if the child is eligible for subsidy under this section, the child's adopting parent or parents shall not be granted a subsidy or subsidies set forth in section 17a-117, as amended by this act, that would be granted for the same purposes as the child's subsidy.

(b) There shall be an annual review of the medical expense subsidy set forth in subsection (a) of this section by the Commissioner of Children and Families. If, upon such annual review, the commissioner determines that the child continues to have a condition for which the subsidy was granted or has medical conditions related to such condition, and that the adoptive parent or parents are still legally responsible for the support of the child and that the child is receiving support from the adoptive family, the commissioner shall not terminate or reduce such subsidy. If the condition is corrected and conditions related to it no longer exist, or if the adoptive parent or parents are no longer legally responsible for the support of the child or if the child is no longer receiving any support from the adoptive family, the commissioner may reduce or terminate eligibility for such subsidy. If, following such reduction or termination, such condition or related conditions reoccur, the adopting or adoptive parent or parents may reapply for such subsidy. Upon receipt of such application and determination that such condition or related conditions have reoccurred, the commissioner shall grant such subsidy provided the

Substitute Senate Bill No. 893

adoptive parent or parents are still legally responsible for the support of the child or the child is receiving support from the adoptive family. If the subsidy is to be reduced or terminated by said commissioner, notice of such proposed reduction or termination shall be given, in writing, to the adoptive parent or parents and such adoptive parent or parents shall, at least thirty days prior to the imposition of said reduction or termination, be [given a hearing before the Subsidy Review Board] provided a hearing by the department in accordance with the provisions of chapter 54. If such an appeal is taken, the subsidy shall continue without modification or termination until the final decision of the [Subsidy Review Board] department. Eligibility for such subsidy may continue until the child's twenty-first birthday if the condition that caused the child to be certified as a special needs child or related conditions continue to exist or have reoccurred and the child continues to qualify as a dependent of the legal adoptive parent under the Internal Revenue Code. In no case shall the eligibility for such subsidy continue beyond the child's twenty-first birthday.

Sec. 5. Section 17a-126 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) As used in this section, (1) "caregiver" means (A) a fictive kin caregiver, as defined in section 17a-114, who is licensed or approved to provide foster care, and who is caring for a child, (B) a relative caregiver, which means a person who is twenty-one years of age or older, related to a child by birth, adoption or marriage and is licensed or approved to provide foster care, or (C) a person who is a licensed or approved foster care provider pursuant to section 17a-114 and is caring for a child because the parent of the child has died or become otherwise unable to care for the child for reasons that make reunification with the parent and adoption not viable options within the foreseeable future, and (2) "commissioner" means the Commissioner of Children and Families.

Substitute Senate Bill No. 893

(b) The commissioner shall establish a program of subsidized guardianship for the benefit of children who have been in foster care for not less than six consecutive months, for whom neither reunification with a parent nor adoption is an appropriate permanency option, and who have been living with a caregiver. A caregiver may request a guardianship subsidy from the commissioner.

(c) If a caregiver who is receiving a guardianship subsidy for a child is also caring for the child's sibling, the commissioner shall provide a guardianship subsidy to such caregiver in accordance with regulations adopted by the commissioner pursuant to subsection (e) of this section. For purposes of this subsection, "child's sibling" includes a stepbrother, stepsister, a half-brother or a half-sister.

(d) The commissioner shall provide the following subsidies under the subsidized guardianship program in accordance with this section and the regulations adopted pursuant to subsection (e) of this section: (1) A special-need subsidy, which shall be a lump sum payment for one-time expenses resulting from the assumption of care of the child and shall not exceed two thousand dollars; and (2) a medical subsidy comparable to the medical subsidy to children in the subsidized adoption program. The subsidized guardianship program shall also provide a monthly subsidy on behalf of the child payable to the caregiver that is based on the circumstances of the caregiver and the needs of the child and shall not exceed the foster care maintenance payment that would have been paid on behalf of the child if the child had remained in licensed foster care.

(e) The commissioner shall adopt regulations, in accordance with chapter 54, implementing the subsidized guardianship program established under this section. Such regulations shall include all federal requirements necessary to maximize federal reimbursement available to the state, including, but not limited to, (1) eligibility for the program, (2) the maximum age at which a child is no longer eligible for

Substitute Senate Bill No. 893

a guardianship subsidy, including the maximum age, for purposes of claiming federal reimbursement under Title IV-E of the Social Security Act, at which a child is no longer eligible for a guardianship subsidy, and (3) a procedure for determining the types and amounts of the subsidies.

(f) (1) [At a minimum, the] A guardianship subsidy provided [under] pursuant to this section shall continue, subject to the commissioner's annual review, until the child reaches the age of eighteen. [or the age of twenty-one if such child is in full-time attendance at a secondary school, technical school or college or is in a state accredited job training program or otherwise meets the criteria set forth in federal law.

(2)] A guardianship subsidy provided pursuant to this section may [be provided for a child] continue, subject to the commissioner's annual review, through [his or her] the child's twenty-first birthday, provided [:(A) The transfer of guardianship to a successor guardian, as provided in subsection (i) of this section, was finalized on or after October 1, 2013; (B) the child was sixteen years of age or older when such transfer was finalized; and (C)] the child is [(i)] (A) enrolled in a full-time approved secondary education program or an approved program leading to an equivalent credential, [(ii)] (B) enrolled full time in an institution that provides postsecondary or vocational education, or [(iii)] (C) participating full time in a program or activity approved by the commissioner that is designed to promote or remove barriers to employment. The commissioner, in his or her discretion, may waive the provision of full-time enrollment or participation based on compelling circumstances. To receive a guardianship subsidy pursuant to this subsection, the guardian shall, at the time of the annual review, submit to the commissioner a sworn statement that the child is still meeting the requirements of [clause (i), (ii) or (iii) of subparagraph (C) of this subdivision] subparagraphs (A) to (C), inclusive, of this

Substitute Senate Bill No. 893

subdivision, provided the commissioner, in his or her discretion, may waive such requirements based on compelling circumstances.

[(3)] (2) Annually, the subsidized guardian shall submit to the commissioner a sworn statement that the child is still living with and receiving support from the guardian. The commissioner, or the commissioner's designee, may require that the subsidized guardian submit any additional documentation that the commissioner or designee deems necessary for the purpose of determining whether such child is still living with and receiving support from the subsidized guardian. The parent of any child receiving assistance through the subsidized guardianship program shall remain liable for the support of the child as required by the general statutes.

(g) A guardianship subsidy shall not be included in the calculation of household income in determining eligibility for benefits of the caregiver of the subsidized child or other persons living within the household of the caregiver.

(h) Payments for guardianship subsidies shall be made from moneys available from any source to the commissioner for child welfare purposes. The commissioner shall develop and implement a plan that: (1) Maximizes use of the subsidized guardianship program to decrease the number of children in the legal custody of the commissioner and to reduce the number of children who would otherwise be placed into nonrelative foster care when there is a caregiver willing to provide care; (2) maximizes federal reimbursement for the costs of the subsidized guardianship program, provided whatever federal maximization method is employed shall not result in the caregiver of a child being subject to work requirements as a condition of receipt of benefits for the child or the benefits restricted in time or scope other than as specified in subsection (c) of this section; and (3) ensures necessary transfers of funds between agencies and interagency coordination in program implementation. The

Substitute Senate Bill No. 893

commissioner shall seek all federal waivers and reimbursement as are necessary and appropriate to implement this plan.

(i) In the case of the death, severe disability or serious illness of a caregiver who is receiving a guardianship subsidy, the commissioner may transfer the guardianship subsidy to a successor guardian who meets the department's foster care safety requirements and who is appointed as legal guardian by a court of competent jurisdiction. For purposes of maximizing federal reimbursement for the costs of the subsidized guardianship program, the commissioner shall request that the caregiver identify such successor guardian in the subsidy agreement and any addendum thereto.

(j) Nothing in this section shall prohibit the commissioner from continuing to pay guardianship subsidies to those relative caregivers who entered into written subsidy agreements with the Department of Children and Families prior to October 5, 2009.

(k) Not less than thirty days prior to the termination or reduction of a guardianship subsidy, the commissioner shall (1) provide written notice of such reduction or termination to the caregiver receiving such subsidy, and (2) provide such caregiver with a hearing before the [Subsidy Review Board] department in accordance with the provisions of chapter 54. If such an appeal is taken, the subsidy shall continue without modification until the final decision of the [Subsidy Review Board] department.

Sec. 6. Section 17a-101i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) Notwithstanding any provision of the general statutes, not later than five working days after an investigation of a report that a child has been abused or neglected by a school employee, as defined in section 53a-65, or that a person is a victim, as described in subdivision

Substitute Senate Bill No. 893

(2) of subsection (a) of section 17a-101a, of a school employee has been completed, the Commissioner of Children and Families shall notify the employing superintendent and the Commissioner of Education of the results of such investigation and shall provide records, whether or not created by the department, concerning such investigation to the superintendent and the Commissioner of Education. The Commissioner of Children and Families shall provide such notice whether or not the child or victim was a student in the employing school or school district. If the Commissioner of Children and Families, based upon the results of the investigation, has reasonable cause to believe that (1) (A) a child has been abused or neglected, as described in section 46b-120, by such employee, and (B) the commissioner recommends such school employee be placed on the child abuse and neglect registry established pursuant to section 17a-101k, or (2) a person is a victim, as described in subdivision (2) of subsection (a) of section 17a-101a, of such school employee, the superintendent shall suspend such school employee. Such suspension shall be with pay and shall not result in the diminution or termination of benefits to such employee. Not later than seventy-two hours after such suspension the superintendent shall notify the local or regional board of education and the Commissioner of Education, or the commissioner's representative, of the reasons for and conditions of the suspension. The superintendent shall disclose such records to the Commissioner of Education and the local or regional board of education or its attorney for purposes of review of employment status or the status of such employee's certificate, permit or authorization. The suspension of a school employee employed in a position requiring a certificate shall remain in effect until the board of education acts pursuant to the provisions of section 10-151. If the contract of employment of such certified school employee is terminated, or such certified school employee resigns such employment, the superintendent shall notify the Commissioner of Education, or the commissioner's representative, within seventy-two hours after such termination or resignation. Upon

Substitute Senate Bill No. 893

receipt of such notice from the superintendent, the Commissioner of Education may commence certification revocation proceedings pursuant to the provisions of subsection (i) of section 10-145b. Notwithstanding the provisions of sections 1-210 and 1-211, information received by the Commissioner of Education, or the commissioner's representative, pursuant to this section shall be confidential subject to regulations adopted by the State Board of Education under section 10-145g. No local or regional board of education shall employ a person whose employment contract is terminated or who resigned from employment following a suspension pursuant to the provisions of this subsection if such person is convicted of a crime involving an act of child abuse or neglect as described in section 46b-120 or a violation of section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a against any person who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program.

(b) Not later than five working days after an investigation of a report that a child has been abused or neglected by a staff member of a public or private institution or facility that provides care for children or a private school has been completed, the Commissioner of Children and Families shall notify such staff member's employer at such institution, facility or school, or such employer's designee, of the results of the investigation. If (1) the Commissioner of Children and Families, based upon the results of the investigation, has reasonable cause to believe that a child has been abused or neglected by such staff member, and (2) the commissioner recommends that such staff member be placed on the child abuse and neglect registry established pursuant to section 17a-101k, such institution, facility or school shall suspend such staff person. Such suspension shall be with pay and shall not result in diminution or termination of benefits to such staff person. Such suspension shall remain in effect until the incident of abuse or neglect has been satisfactorily resolved by the employer of the staff

Substitute Senate Bill No. 893

person or until an appeal, conducted in accordance with section 17a-101k, has resulted in a finding that such staff person is not responsible for the abuse or neglect or does not pose a risk to the health, safety or well-being of children.

(c) If [such] a school employee, as defined in section 53a-65, or a staff member described in subsection (b) of this section has a professional license or certificate issued by the state or a permit or authorization issued by the State Board of Education or if [such] the institution, school or facility employing the school employee or staff member has a license or approval issued by the state, the commissioner shall forthwith notify the state agency responsible for issuing such license, certificate, permit, approval or authorization [to the staff member] of the results of any investigation described in subsection (a) or (b) of this section pertaining to such school employee or staff member and provide records, whether or not created by the department, concerning such investigation.

[(c)] (d) If a school employee, as defined in section 53a-65, or any person holding a certificate, permit or authorization issued by the State Board of Education under the provisions of sections 10-144a to 10-149, inclusive, is convicted of a crime involving an act of child abuse or neglect as described in section 46b-120 or a violation of subdivision (2) of subsection (b) of section 17a-101a or section 53-21, 53a-71 or 53a-73a against any person, or a violation of section 53a-70, 53a-70a, 53a-72a or 53a-72b against a victim, as described in subdivision (2) of subsection (a) of section 17a-101a, the state's attorney for the judicial district in which the conviction occurred shall in writing notify the superintendent of the school district or the supervisory agent of the nonpublic school in which the person is employed and the Commissioner of Education of such conviction.

[(d)] (e) For the purposes of receiving and making reports, notifying and receiving notification, or investigating, pursuant to the provisions

Substitute Senate Bill No. 893

of sections 17a-101a to 17a-101h, inclusive, and 17a-103, a superintendent of a school district or a supervisory agent of a nonpublic school may assign a designee to act on such superintendent's or agent's behalf.

[(e)] (f) On or before February 1, 2016, each local and regional board of education shall adopt a written policy, in accordance with the provisions of subsection (d) of section 17a-101, regarding the reporting by school employees, as defined in section 53a-65, of suspected child abuse or neglect in accordance with sections 17a-101a to 17a-101d, inclusive, and 17a-103 or a violation of section 53-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a against a victim, as described in subdivision (2) of subsection (a) of section [17a-101i] 17a-101a. Such policy shall be distributed annually to all school employees employed by the local or regional board of education. The local or regional board of education shall document that all such school employees have received such written policy and completed the training and refresher training programs required by subsection (c) of section 17a-101, as amended by this act.

[(f)] (g) (1) Each school employee, as defined in section 53a-65, hired by a local or regional board of education on or after July 1, 2011, shall be required to complete the training program developed pursuant to subsection (c) of section 17a-101, as amended by this act. Each such school employee shall complete the refresher training program, developed pursuant to subsection (c) of section 17a-101, as amended by this act, not later than three years after completion of the initial training program, and shall thereafter retake such refresher training course at least once every three years.

(2) On or before July 1, 2012, each school employee, as defined in section 53a-65, hired by a local or regional board of education before July 1, 2011, shall complete the refresher training program developed pursuant to subsection (c) of section 17a-101, as amended by this act.

Substitute Senate Bill No. 893

and shall thereafter retake such refresher training course at least once every three years.

(3) The principal for each school under the jurisdiction of a local or regional board of education shall annually certify to the superintendent for the board of education that each school employee, as defined in section 53a-65, working at such school, is in compliance with the provisions of this subsection. The superintendent shall certify such compliance to the State Board of Education.

Sec. 7. Subsection (c) of section 17a-101 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(c) The Commissioner of Children and Families shall develop an educational training program and refresher training program for the accurate and prompt identification and reporting of child abuse and neglect. Such training program and refresher training program shall be made available to all persons mandated to report child abuse and neglect at various times and locations throughout the state as determined by the Commissioner of Children and Families. Such training program and refresher training program shall be provided in accordance with the provisions of subsection [(f)] (g) of section 17a-101i, as amended by this act, to each school employee, as defined in section 53a-65, within available appropriations.

Sec. 8. Section 17a-145 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

(a) No person or entity shall care for or board a child without a license obtained from the Commissioner of Children and Families, except: (1) When a child has been placed by a person or entity holding a license from the commissioner; (2) any residential educational institution exempted by the State Board of Education under the

Substitute Senate Bill No. 893

provisions of section 17a-152; (3) residential facilities licensed by the Department of Developmental Services pursuant to section 17a-227; (4) facilities providing child care services, as defined in section 19a-77; or (5) any home that houses students participating in a program described in subparagraph (B) of subdivision (8) of section 10a-29. The person or entity seeking a child care facility license shall file with the commissioner an application for a license, in such form as the commissioner furnishes, stating the location where it is proposed to care for such child, the number of children to be cared for, in the case of a corporation, the purpose of the corporation and the names of its chief officers and of the actual person responsible for the child. The Commissioner of Children and Families is authorized to fix the maximum number of children to be boarded and cared for in any such home or institution or by any person or entity licensed by the commissioner. If the population served at any facility, institution or home operated by any person or entity licensed under this section changes after such license is issued, such person or entity shall file a new license application with the commissioner, and the commissioner shall notify the chief executive officer of the municipality in which the facility is located of such new license application, except that no confidential client information may be disclosed.

(b) The Commissioner of Children and Families shall adopt regulations, in accordance with the provisions of chapter 54, setting forth standards for the licensing of child care facilities. Such regulations shall include, but not be limited to, minimum standards for (1) the physical requirements of such facilities, (2) the care and treatment of children cared for or boarded in such facilities, and (3) the staffing of such facilities.

[(b)] (c) Each person or entity licensed by the commissioner pursuant to subsection (a) of this section shall designate an on-site staff member who shall apply a reasonable and prudent parent standard, as

Substitute Senate Bill No. 893

defined in subsection (a) of section 17a-114d, on behalf of the child.

[(c)] (d) The Commissioner of Children and Families shall not be responsible for the licensing of any facility that does not board or care for children or youths under eighteen years of age.

Sec. 9. Section 17a-150 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2017*):

[(a)] The Commissioner of Children and Families shall adopt regulations in accordance with chapter 54 setting forth standards for licensing of [persons or entities which place children. The regulations shall require a person or entity licensed on or after March 9, 1984, to] child-placing agencies, as defined in section 17a-93. Such regulations shall (1) set minimum standards for homes in which children may be placed, (2) require that a child-placing agency have a minimum of two staff persons who are qualified by a combination of education and work experience, and (3) require that a child-placing agency be a nonprofit organization qualified as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended.

[(b)] Said commissioner shall adopt regulations prescribing the minimum standards for homes in which children may be placed.]

Approved June 27, 2017